

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DR. A, NURSE A., DR. C., NURSE D., DR. F., DR. G.,
THERAPIST I., DR. J., NURSE J., DR. M., NURSE N., DR.
O., DR. P., TECHNOLOGIST P., DR. S., NURSE S., and
PHYSICIAN LIASION X.,

Plaintiffs,

-against-

KATHY HOCHUL, GOVERNOR OF THE STATE OF
NEW YORK, in her official capacity, JAMES V.
MCDONALD, COMMISSIONER OF THE NEW YORK
STATE DEPARTMENT OF HEALTH, in his official
capacity, and LETITIA JAMES, ATTORNEY GENERAL
OF THE STATE OF NEW YORK, in her official capacity,

Defendants.

**STIPULATION AND
ORDER OF
DISCONTINUANCE
PURSUANT TO RULE
41(A)**

1:21-CV-1009

(DNH)(ML)

The subject of this action, the “vaccine mandate” for healthcare workers in Section 2.61 of Title 10, New York Codes, Rules and Regulations, having been repealed on October 4, 2023, and the Plaintiffs herein having thereafter elected not to proceed further with this action in view of that repeal, it is hereby

STIPULATED AND AGREED by and between the undersigned, plaintiffs Dr. A, Nurse A., Dr. C., Nurse D., Dr. F., Dr. G., Therapist I., Dr. J., Nurse J., Dr. M., Nurse N., Dr. O., Dr. P., Technologist P., Dr. S., Nurse S., and Physician Liaison X (collectively “plaintiffs”), by their attorney Christopher A. Ferrara, Esq., and Letitia James, Attorney General of the State of New York, Ryan W. Hickey, Assistant Attorney General, of counsel, appearing for defendants Governor Kathy Hochul, in her official capacity, Commissioner of Health James V. McDonald, in

his official capacity, and Attorney General Letitia James, in her official capacity, (collectively “defendants”), parties to the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiffs hereby discontinue this action without prejudice and without damages, costs, interest or attorneys’ fees.

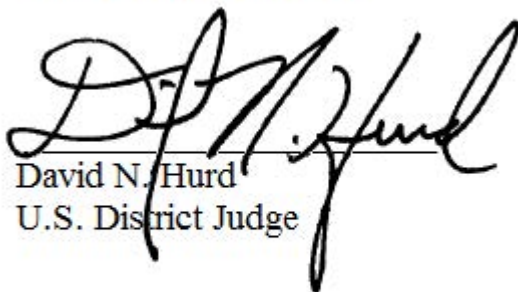
Dated: Whitestone, New York
November 30, 2023

/s/ Christopher A. Ferrara
Christopher A. Ferrara, Esq.
Thomas More Society
Attorney for Plaintiffs
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Dated: Albany, New York
November 30, 2023

LETITIA JAMES
Attorney General
State of New York
Attorney for Defendants
The Capitol
Albany, New York 12224-0341

IT IS SO ORDERED:


David N. Hurd
U.S. District Judge

By: Ryan Hickey
Ryan W. Hickey
Assistant Attorney General, of Counsel
Bar Roll No. 519020
Telephone: (518) 776-2616
Email: Ryan.Hickey@ag.ny.gov

Dated: 12-01-2023